

Act is not only a dismal failure at saving species, but is actually working against that goal. Furthermore, everyday we tolerate this defective law, its unfair and unnecessary burdens increase on citizens and the economy. Yet at the same time, the American people continue to believe that conserving fish and wildlife species for the enjoyment of future generations is the right thing to do and I agree. They want to make changes to the law, but don't want to see the Endangered Species Act thrown out.

That's why for the last three years, my colleague and friend from Idaho, Senator KEMPTHORNE, has been working mightily to improve this complex law. He has held hearings, built coalitions, drafted and re-drafted language to correct the problems while still advancing the goals of the Endangered Species Act. I congratulate him, as well as our other Senate colleagues who have worked with him to produce this bill.

S. 1180 would make some positive reforms to the current system. It would re-focus the process on actually saving species. It would create opportunities and benefits for people who are affected by the government's actions in these areas.

For example, the bill emphasizes sound science—instead of politics—to guide actions taken to conserve and recover species. It requires independent peer review for listing and delisting decisions, and for the establishment of a biological recovery goal in a recovery plan. Specific time limits would have to be observed, and States and local citizens would have a larger role in the process.

I believe these provisions and others would make significant improvements in our current process, to the benefit of both our wildlife and our citizenry. While additional corrections could be made, those who drafted this bill believe that a more comprehensive overhaul of ESA is not going to pass this Congress. I tend to agree with that assessment and am willing to pursue the strategy of trying to pass these reforms now as a foundation for further reforms in the future. That is the message I would like to send with my co-sponsorship of S. 1180.

Having said all that, Mr. President, I cannot endorse each and every provision of this legislation. I will be supporting amendments that will change or add to the bill in a number of areas.

For instance, while I support S. 1180's stated goal of providing incentives to promote voluntary habitat conservation by private landowners, I am very concerned about what the bill as a whole will fail to do in the area of protecting private property rights.

This is no small matter. The right to own and use property goes to the very heart of our American democracy. It was so important to our founding fathers that they enshrined the protection of private property in the Constitution's Bill of Rights.

It is equally important today. Yet our federal government has increas-

ingly ignored these rights. President Clinton rejected the Constitution's guarantee outright when he pledged to veto any "compensation entitlement legislation" intended to strengthen Americans' private property rights. Representatives of this Administration have even suggested that the idea of private property is an outmoded notion.

Nowhere is the Administration's hostility to private property rights more evident than in the area of endangered species regulation. Let's take a look at Secretary Babbitt's "no surprises" policy, for example. The basic idea is that if landowners surrender control over the use of part of their property for ESA purposes, then the federal government will let them use the rest of it without interference. To put it another way, Secretary Babbitt proposes that you pay the government for the right to use your own land. By comparison, the Constitution of the United States promises that if the federal government wants your land used a certain way, the federal government has to pay you for it.

Mr. President, even more outrageous than Secretary Babbitt's program is the fact that many landowners think it's actually a pretty good deal. How oppressive and tyrannical has ESA regulation become, when citizens are willing—even eager—to give up their property and their constitutionally-protected right to compensation, just to get the government to leave them alone?

I applaud S. 1180's goal of reducing regulatory burdens and improving the certainty and finality of government action in protecting endangered species. It is bad policy to require the American people to sacrifice their constitutionally-protected rights for any federal program—even this one. I would like to see S. 1180 strengthen and protect the Fifth Amendment right to compensation. I will vote for amendments and or legislation that strengthens our citizen's private property rights.

Private property rights are not the only critical issue that concerns me in this legislation. I also had hoped that S. 1180 would directly address the issue of water rights, and specifically deny that any of its provisions create an express or implied federal water right.

Mr. President, the paramount natural resource issue for the American West is the sovereignty of the states over the water that flows and exists within their borders. It is easy to say that all we need to do is remain silent on this issue and all will be well. In fact, however, preserving state water sovereignty is not so easy. The reality of how federal water rights are created, or not created, requires that we speak to the question in legislation.

The appropriation doctrine is the water law of western states and has as its central premise that the first person to claim a water right has priority on its use over those water claimants who assert claims at later dates. In the arid West, this principle lies at the

very heart of our economy. It is the ability to allocate this precious resource (water) for uses that allows us to exist.

It is for this reason we westerners become particularly agitated when the federal government tries to disrupt this principle or to "take" our water. Does this legislation create a federal reserved water right? There are those who would say "no," and there are those who would press to assert such a right.

It is for this reason that this legislation should clearly state the Congress' intent. For the record, this Senator does not intend for the endangered species reauthorization legislation to create a federal reserved water right. This is why I believe S. 1180 must state clearly that no implied or express federal water right is created in this legislation. I will support and vote for such an amendment.

With these areas of concern in mind, I am also inclined to support a shorter term of reauthorization than S. 1180 provides. As I mentioned previously, it is my goal to build additional improvements on the foundation laid by this legislation. Accelerating the opportunity for Congress to re-open the issue would only advance that goal.

In closing, Mr. President, let me repeat my endorsement for the goals that Senator KEMPTHORNE and the other supporters of this bill set out to achieve in reauthorizing the Endangered Species Act. I think the bill will make improvements that are critical to ongoing ESA efforts in my state and elsewhere in the nation, and amendments in the areas I have discussed today will enhance those improvements.●

#### TRIBUTE TO VERMONT'S FEDERAL EMPLOYEES

● Mr. JEFFORDS. Mr. President, the week of May 4, 1998 is Public Service Recognition Week. It is a time to applaud the tremendous efforts and accomplishments of government employees, and to educate the public about the far reaching capabilities and services provided by government employees. It is also a time for public servants to remind ourselves why we chose to serve society through careers in public service.

This year's theme is "Working for You, Working for America", highlighting the commitment of public employees to work for the benefit of each individual, and for the collective benefit to improve the quality of life across our great nation.

In Vermont, over 6,000 members of our workforce are federal employees. We provide technical assistance to farmers, respond to disasters, manage forest land, and deliver mail. We administer federal funds to provide educational benefits, housing assistance, job training, and school breakfast and lunch programs. We process social security survivors benefits, veterans

compensation, and small business loans. We are the faces of government—caseworkers, nurses, administrators, law enforcement officers. Day to day, our jobs are rarely front page news. We are on the front line and behind the scenes, working hard to resolve problems and make systems more effective.

Yet during this one week of the year, we hope to let people know how we touch their lives. We'd like the media to highlight the successes: thousands of tax refunds processed on time, hundreds of packages delivered the night before Christmas, dozens of checks issued for crop assistance after a spring flood, thousands of affordable housing units for the elderly and disabled, and upkeep of a hiking trail from one end of the state to the other providing unparalleled vistas.

Federal employees tout years of experience and commitment, investing themselves to bring about positive change. Continuously striving to be more efficient, more effective and more customer-service oriented, public servants care, and know government has a role to empower citizens to make life better. Federal employees contribute to our one-of-a-kind democracy. I rise to salute Vermont's federal employees . . . you truly make a difference.●

#### "IT'S MY FIGHT, TOO"

● Mr. GREGG. Mr. President, I rise today to pay tribute to women, men, and their families who are fighting the scourge of breast cancer. As many of my colleagues may remember, last Spring, I submitted S. Res. 85, with my fellow Senator from New Hampshire, recognizing the family and friends of breast cancer patients in the struggle to cope with this disease. The Senate passed my Resolution by unanimous consent and expressed their overwhelming support for individuals who provide strength and support for loved ones fighting breast cancer. I come to the floor today to again note the importance of this expression and to recognize a very important organization in my home state of New Hampshire that is spreading this message to breast cancer patients across the country.

The American Cancer Society estimates that in 1998, 178,700 new cases of invasive breast cancer will be diagnosed among women in the United States and 1,600 cases will be diagnosed among men. These numbers more than triple in size when you consider the family and friends who are also impacted by the disease. With each and every one of these cases comes family and friends who are looked upon to provide the caring and loving needed to overcome such a terrifying disease.

The Northeast Health Care Quality Foundation, in Dover, New Hampshire, has done an excellent job of expressing this notion to the people of New Hampshire and beyond. With their campaign titled, "It's My Fight, Too," the Foun-

dation has let individuals afflicted with breast cancer know that they are not alone in their struggle. It is important for the family to understand that their feelings are shared by others in their same situation and that they should find strength in numbers.

Awareness campaigns like "It's My Fight Too," are extremely important to foster an environment where support for both the individual with breast cancer and their family and friends is encouraged. Awareness is the key to allowing people to understand and identify with those suffering around them. We can all, as community members, provide support and strength to those in need.

As Mother's Day approaches, the Northeast Health Care Quality Foundation will be holding their annual event to recognize the important women in our lives who may or may not be suffering from this disease but who never the less, need to know that breast cancer is not just a women's disease but a struggle that can be fought by all of us together. Their event, "Family and Friends Against Breast Cancer, It's My Fight Too, A Night of Hope, Song and Love" will bring people from across the Northeast together to express the same support the Senate expressed with the passage of S. Res. 85. I commend the efforts of the Northeast Health Care Quality Foundation and encourage organizations across the country to follow their leadership and example.●

#### WORKER MEMORIAL DAY

● Mr. GRAMS. Mr. President, I rise to remember the American workers who have suffered injuries or died while at the work places in my home state of Minnesota and across the country.

As my colleagues may know, since 1989 the unions of the AFL-CIO have recognized April 28 as "Worker Memorial Day" to commemorate the millions of workplace injuries, illnesses and deaths that occur each year. In addition, many unions throughout the world now mark April 28 as an "International Day of Mourning."

In Minnesota, AFL-CIO affiliates commemorated Worker Memorial Day with a wide variety of events around the state. This past Tuesday at noon, members of Minneapolis and St. Paul building trades met near the State Capitol in St. Paul to remember workers who have been killed or injured in the job. A bell tolled once for each local construction worker who died in the past year of job-related causes.

In Grand Forks, the Northern Valley Labor Council and the Grand Forks Building and Construction Trades Council placed Workers Memorial Day stickers on their clothing at work. Statewide, a "Minnesota's Workforce Minute" Message about Workers' Memorial Day aired several times over the 29 stations of Minnesota News Network's Lifestyle Network.

Lastly, the Minnesota Department of Transportation and local unions in the

Twin Cities and St. Cloud participated in a number of Worker Memorial Day activities including the broadcast of a Workers Memorial Day message from the Metro Division Engineer over the MnDOT Public address and radio communication systems. This message preceded the observance of a moment of silence at 2 p.m.

Mr. President, this year also marks the 28th anniversary of the enactment of the Occupational Safety and Health Act. In 1970, President Nixon signed legislation which created the Occupational Safety and Health Administration (OSHA) to establish and enforce labor standards and the National Institute for Occupational Safety Health (NIOSH) to conduct research investigations.

At the Department of Labor bill signing, President Nixon underscored the goal of this historic legislation. President Nixon noted how the bill's enactment, "... Represents in its culmination the American system at its best: Democrats, Republicans, the House, the Senate, the White House, business, labor, all cooperating in a common goal—the saving of lives, the avoiding of injuries, making the places of work for 55 million Americans safer and more pleasant places."

Mr. President, the goal of the Occupational Safety and Health Act is to prevent injuries, illnesses, and fatalities in the workplace. Through statistics provided by the Department of Labor it appears as though the intent of this Act has achieved some level of success. Unfortunately, these numbers are still too high.

According to Bureau of Labor Statistics, there were over 6,000 workplace fatalities in 1996, the lowest level in five years. There were 6.2 million workplace injuries or illnesses among private sector firms with more than 11 or more employees, about 400,000 fewer than in 1995. In my home state alone, 92 Minnesotans lost their lives, and 138,000 suffered injuries or illnesses on the job in 1996.

I have always supported employers and employees in their effort to create safe and healthy work places without cumbersome federal regulations. Workers are a business' most valuable asset and they deserve safe and healthy work places that will enable them to better perform their jobs. Safe working environments, achieved by restoring common sense and cooperation among workers, job providers and the federal government, result in smart business.

I strongly believe we need to continue to promote better safety and public health standards. One way this can be accomplished is through comprehensive reform of the Federal regulatory process. For this reason, I am proud to be a cosponsor of S. 981, the "Regulatory Improvement Act of 1997" sponsored by Senator CARL LEVIN, one of the leading health, safety and environmental experts in the Senate.

In my view, legislation such as the Regulatory Improvement Act of 1997